THE HON'BLE SRI JUSTICE S.ANANDA REDDY

Writ Petition No.14864 of 2007

20.09.2007

Between

Mettukuru Chengamma and others.

…Petitioners

And

The Government of Andhra Pradesh, rep.by its Principal Secretary, Department of Irrigation & Command Area Development, Secretariat Buildings, Hyderabd and others.

…Respondents

THE HON'BLE SRI JUSTICE S.ANANDA REDDY

Writ Petition No.14864 of 2007

ORDER:

This writ petition is filed by the petitioners seeking directions to the respondents for payment of interest on the additional market value as well as solatium which is stated to have been deposited.

The stand of the respondents is that a letter has been issued by the Advocate of the petitioners stating that the petitioners have given up the right in respect of interest claimed now in the writ petition and in view of the same, the petitioners are not entitled to seek any directions in the writ petition.

A copy of the undated letter stated to have been addressed to the Special Collector, G.N.S.S., Kadapa by

the Advocate of the petitioners is produced before this Court, where it is mentioned that the petitioners-claimants are willing to receive composition amount with interest at the rate of 9% and 15% per annum on the market value of 80%. It is further stated that the claimants will not go to the Court for further claim and therefore, requested to deposit the decretal charges in the Principal District Court, Kadapa and a reference was given with reference to L.A.O.P.Nos.888, 889, 890 and 891 of 1999.

It is stated by the learned counsel for the petitioners that pursuant to the said letter and as per the judgments of this Court in the appeals, where partial relief was granted in favour of the Government reducing the enhanced market value from 100% to 80%, the Land Acquisition Officer has already deposited the entire compensation and the said deposit includes additional market value as well as solatium and interest on the market value of the land and structures, excluding interest on additional market value and solatium.

Heard both sides and considered the material on record.

The only stand of the respondents is that the claim for interest was given up as per the letter filed by the petitioners and therefore, they cannot make a claim for the same. But, a perusal of the letter no doubt does not make

any reference either to additional market value or solatium, which was already deposited by the Land Acquisition Officer, to which the petitioners are entitled to in respect of the properties they have lost. When once the additional market value and solatium has already been deposited by the Land Acquisition Officer, equally, the petitioners are entitled to interest on additional market value as well as solatium, as per the judgments of the Supreme Court.

In the circumstances, the respondents are directed to deposit the interest payable on the additional market value as well as solatium within a period of two months, failing which, the petitioners are entitled to file EPs seeking execution of that part of the decree passed by this Court in the appeals. With reference to the amounts already deposited, the Court below is directed to disburse the same without insisting for filing any full satisfaction memos.

The writ petition is accordingly disposed of. No costs.

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20.09.2007

VGB